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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,303	12/14/2000	Gerard O'Neill	206441	2665

7590 03/10/2004

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EXAMINER

TRAN, PABLO N

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 03/10/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

PM

Office Action Summary

Application No.

09/623,303

Applicant(s)

O'NEILL ET AL.

Examiner

Pablo N Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6-11, 13-16, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gietema et al.* (6,222,503).

As per claims 1, 6, and 19, *Gietema et al.* disclosed an enclosure (fig. 1/no. 5) for use with an item of street furniture (fig. 1/no. 6, col. 4/ln. 28-60), the enclosure containing circuitry of a base station of a cellular telephone system, the circuitry receiving signals from and supplying signals to the antenna system (col. 12/ln.15-27).

Gietema et al. disclosed that part of the circuitry of the base station being common to part of the further circuitry but do not explicitly disclosed that the further circuitry for controlling an item of the street furniture. However, it is obvious to one of ordinary skill in the art to provide such control circuitry housing to control both the base station communication functions and of an item of street furniture in order to save space and cost.

As per claims 2, 7, and 20, *Gietema et al.* disclosed the common part of the circuitry includes power supply circuitry (col. 12/ln.15-27).

As per claims 3, 8, and 21, *Gietema et al.* disclosed the common part of the circuitry includes communications signaling circuitry and functioning circuitry for the item of street furniture (col. 12/ln.15-27).

As per claims 9 and 22, *Gietema et al.* disclosed the street furniture is associated with but physical separate from the enclosure (fig. 1).

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As per claims 10 and 23, *Gietema et al.* disclosed the street furniture is physically combined with the enclosure (fig. 1).

As per claims 11 and 13-15, *Gietema et al.* disclosed the street furniture is a light pole, a shop sign, an advertising sign, or a traffic sign (col. 4/ln. 28-60),

As per claim 16, *Gietema et al.* disclosed a drainpipe or simulated drainpipe for mounting on an external surface of a building (col. 21/ln. 15-34).

5. Claims 4-5, 17, and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gietema et al.* (6,222,503) in view of *Inoue et al.* (5,667,963).

As per claim 4-5, 17, and 24-25, *Gietema et al.* fails to disclose a cooling or ventilating means for controlling the ambient temperature there within. However, such cooling or ventilating means are well known in the art, as taught by *Inoue et al.* (see fig. 4, col. 5/ln. 4-10). Since both disclosed such street light devices, it would have been obvious to one of ordinary skill in the art to provide such cooling or ventilating means, as taught by *Inoue et al.*, to the street light system of *Goodwin* in order to control the heat from within the street light in order for the antenna circuitry and other circuitries function properly.

6. Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gietema et al.* (6,222,503) in view of *Foissac et al.* (4,656,804).

As per claims 12 and 18, as stated above in claim 1, *Gietema et al.* do not specifically disclosed the street furniture is a camera. However, such is notoriously well known in the art, as taught by *Foissac et al.* (col. 1/ln. 31-34). Therefore, it would have been obvious to one of ordinary skill in the art to provide a camera, as taught by *Foissac*

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et al., to the unobtrusive antenna system of *Gietema et al.* in order to monitor roads and public areas.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wilkinson et al. (6,380,909), Davidsson et al. (6,173,537), Binge et al. (4,864,784), and Jen et al. (WO0175849) disclosed antenna arrangement system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PABLO N. TRAN
PRIMARY EXAMINER

February 25, 2004


02/26/04